

Message Text

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FM AMEMBASSY TEHRAN
TO SECSTATE WASHDC 8148
INFO AMEMBASSY LONDON

C O N F I D E N T I A L SECTION 1 OF 3 TEHRAN 4257

LIMDIS

EO 11652C GDS
TAGS: SHUM, PGOV, IR, OTRA (BUTLER, BILL)
SUBJ: BILL BUTLER VISIT-OUTCOME

REF: A. STATE 104367 (NOTAL), B. STATE 105792 (NOTAL).
C. TEHRAN 4120

SUMMARY: BUTLER HAD POSITIVE VISIT WITH SHAH AND MET REPRESENT-
ATIVES OF MAJOR IRANIAN GROUPS CONCERNED WITH HUMAN RIGHTS
MENTIONED IN REF A. HE TOLD SHAH THAT CONTINUATION OF
VIOLENCE AGAINST DISSIDENTS BY "UNIDENTIFIED HOODLUMS" WOULD
ENDANGER INTERNATIONAL COMMISSION OF JURISTS'S (ICJ) DIALOG
WITH IRAN. BUTLER SPECIFICALLY URGED EMBASSY TO HELP OUT
IRANIAN GROUPS STRIVING FOR GREATER PUBLIC ROLE AND INDICATED
INTENT TO STIMULATE BAR ASSOCIATION INTEREST IN BEATINGS AND
BOMBING OF LAWYERS. END SUMMARY.

1. BUTLER VISIT USEFUL AND MORE POSITIVE THAN EITHER BUTLER
OR EMBASSY HAD EXPECTED. ALTHOUGH SCHEDULE CHANGED AS
RESULT OF SHAH'S TRIP TO SOUTHERN IRAN, BUTLER MET WITH
SHAH IN SHIRAZ AND WAS ABLE TO SEE ALL THREE FOREIGN
JOURNALISTS WHO HAVE REGULARLY COVERED IRAN. UPON HIS
RETURN TO TEHRAN, HE SAW REPRESENTATIVES OF IRANIAN
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LAWYER'S ASSOCIATION, IRANIAN WRITER'S ASSOCIATION, AND
SEVERAL LAWYERS WHO HAVE BEEN BEATEN OR WHOSE HOUSES
HAVE BEEN BOMBED RECENTLY.

2. CENTERPIECE OF VISIT WAS BUTLER'S LENGTHY DISCUSSION
OF HIS MEMORANDUM WITH SHAH MAY 2. FOLLOWING REPORT OF
MEETING IS BASED ON BUTLER PRESENTATION TO AMBASSADOR

AND EMBOFFS MORNING MAY 3. BUTLER NOTED MEETING BEGAN ON POSITIVE NOTE AND STAYED THERE. COURT MINISTER HOVEYDA WAS PRESENT AND TOOK EXTENSIVE NOTES. BUTLER DESCRIBED DISCUSSION UNDER SEVERAL MAJOR HEADINGS:

3. CIVILIAN JURISDICTION --SHAH INDICATED HE INTENDED TO CONTINUE REFERRING DISSIDENCE CASES TO CIVILIAN COURTS, EXCEPT IN CASES OF DIRECT THREAT TO SAFETY OF STATE. BUTLER CONGRATULATED HIM ON THIS CHANGE IN IRANIAN POLICY AND URGED SHAH TO KEEP IT UP. BUTLER BROUGHT UP PROBLEM OF SPECIAL COURT OF CASSATION TO TRY STATE SECURITY CASES (RECOMMENDATION MADE BY BUTLER IN 1977 WHICH WOULD BE A COURT WITH COMZINED MILITARY AND CVIILIAN JUDGES (ALONG FRENCH LINE). SHAH SQAID HE STILL HAD RESERVATIONS ABOUT THIS AND SINCE VIRTUALLY ALL PRISONERS WERE NOW GOING BEFORE CIVILIAN COURTS, HE WAS NOT READY TO CHANGE.

4. RIGHT TO COUNSEL: MILITARY COURTS--BUTLER BROUGHT UP THE NEED FOR LAWYERS TO BE APPROVED BY MILITARY AUTHORITIES BEFORE APPEARING IN MILITARY COURT. SHAH SAID HE WAS UNAWARE OF THIS AND ORDERED COURT MINISTER HOVEYDA TO ELIMINATE IT. SIMILARLY, REGARDING REQUIREMENT FOR LAWYERS PRACTICING BEFORE MILITARY COURT TO TAKE TWO FREE CASES FOR EACH FEE CASE, SHAH "WAS SHOCKED" (IN BUTLER'S WORDS), AND ORDERED HOVEYDA TO CORRECT IT IMMEDIATELY. (EMBASSY COMMENT: SHAH'S PROTESTATIONS OF CONFIDENTIAL

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IGNORANCE SOMETHING LESS THAN CONVINCING. CORRECTION OF SITUATION IS LIKELY TO REQUIRE ADDITIONAL LEGISLATION IN PARLIAMENT. IT IS NOTEWORTHY, HOWEVER, THAT SHAH READILY ACCEPTED BUTLER SUGGESTIONS. THIS TENDS TO CONFIRM STORIES EMBASSY HAS HEARD THAT JUDICIAL REFORM COMMISSIONS HAVE BEEN MAKING RECOMMENDATIONS FOR LIBERALIZATION.) WITH RESPECT TO LIMITATION OF NUMBERS OF LAWYERS IN MILITARY COURT CASES, SHAH INDICATED DESIRE TO KEEP SOME SORT OF LIMIT TO PREVENT IRRELEVANT FILIBUSTERING. HE THOUGHT EACH DEFENDANT SHOULD BE LIMITED TO JUST ONE LAWYERWN BUT NOT TO LESS THAN THAT.

5. SAVAK-SHAH SAID, FOR INTERNAL REASONS, HE DOES NOT WANT TO "DISTURB" PRESENT NATIONAL SECURITY LAW BY TRYING TO AMEND IT. WITH RESPECT TO PROBLEM OF SAVAK OFFICERS SERVING AS EXAMINING MAGISTRATES, HOWEVER, SHAH WAS READY TO GIVE ASSURANCES THAT ANY SAVAK CASE WILL GO BEFORE A MALISTRATIE WHO IS NOT RPT NOT A SAVAK OFFICER WITHIN 48 HOURS. SHAH DIRECTED HOVEYDA TO SEND BUTLER A LETTER CONFIRMING THIS. IN RESPONSE TO EMBOFF QUESTION AS TO WHETHER THIS 48-HOUR PERIOD BEGAN WITH INITIAL ARREST OR AT SOME SUBSEQUENT TIME IN INVESTIGATION, BUTLER SAID

THERE WAS STILL SOME AMBIGUITY ON THIS POINT, WHICH HE
HOPED GOI WOULD MOVE TO CLEAR UP.

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6. RIGHT TO COUNSEL: MAGISTRATE TAGE-SHAH AND BUTLER
DISCUSSED ARRESTEES NOT HAVING COUNSEL AT STAGE OF INITIAL
INTERROGATION AND APPEARANCE BEFORE "JUGE D'INSTRUCTION".
HOVEYDA SAID CHANGE WAS UNDER CONSIDERATION, BUT THERE
WERE PROBLEMS IN GETTING LAWYERS INVOLVED AT THE VERY
BEGINNING WHEN IT WAS NOT CLEAR THAT THERE WAS A CASE OR
NOT. BUTLER PRESSED, AND SHAH SAID MATTER WAS BEING
STUDIED BY JUDICIAL COMMITTEE, AND HE WOULD LOOK INTO IT
PERSONALLY. BUTLER HAD IMPRESSION HAH WAS FAVORABLY
DISPOSED TO DOING SOMETHING BUT WANTED IT WORKED OUT BY
JUDICIEARY FIRST.

7. AMNESTY FOR POLITICAL PRISONERS--SHAH SAID THERE
REMAINED ABOUT 2,000 PRISONERS IN JAIL FOR CRIMES WHICH
WERE POLITICALLY RELATED IN SOME WAY (AS OPPOSED TO ABOUT
3,000 AT LAST BUTLER VISIT) . SHAH STATED HE PLANNED TO
USE NEW AMNESTY LAW OF FEBRUARY 1978 TO RELEASE OTHERS AND
PROMISED BUTLER A LIST OF AMNESTY CASES.

8. HARASSMENT OF LAWYERS-BUTLER SAID HE HAD HEARD
LAWYERS WHO SIGNED PETITION FOR INDEEDENT JUDICIARY IN
FALL OF 1977 HAD BEEN DENIED GOVERNEMENT WORK. HOVEYDA
INTERJECTED THAT HE HAD "JUST THAT MORNING" CHECKED ON
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THI AND IT WAS NOT TRUE. BUTLER RESPECTFULLY DISAGREED AND SUGGESTED COURT MINISTER CHECK SOME MORE. SHAH THEN ASKED, "DON'T WE HAVE THE RIGHT TO HIRE OUR FRIENDS?" BUT BUTLER REPLIED YES, IF FUNCTION REQUIRES ALLEGIANCE OF LAWYER CONCERNED, BUT IF IT IS QUESTION OF ROUTINE LEGAL JOBS, THIS BAN SMACKS OF INTIMIDATION AND WOULD CAUSE PROBLEMS. (AMBASSADOR NOTED THAT SHAH HAD TOLD HIM PEOPLE COULD DISAGREE BUT COULD NOT ATTACK BASIC INSTITUTIONS OF REGIME-MONARCH, CONSTITUTION AND SHAH-PEOPLE REVOLUTION. AMBASSADOR SUGGESTING BUTLER MIGHT AT SOME TIME MAKE PKOINT THATTHESE LAWYERS AREN'T REALLY ATTACKING THE MONARCHY, THEY JUST WANT A PIECE OF THE ACTION.)

9. POLITICAL HARASSMENT--BUTLER OPENED BY COMMENTING THAT IRAN HAD MADE SOME TREMENDOUS ACCOMPLISHMENTS IN PAST 15 MONTHS WHICH WERE GOOD FOR THE COUNTRY'S PRESTIGE AND IMAGE ABROAD. THESE WERE SERIOUSLY ENDANGERED BY EXTRA-LEGAL VIOLENCE AGAINST VARIOUS DISSIDENTS BY UNIDENTIFIED INDIVIDUALS. WHATEVER GOI'S STORY, WORLD WOULD SIMPLY NOT RPT NOT BELIEVE THESE ATTACKS WERE NOT GOI INSPIRED. PROBLEM OF CIVILIAN ARRESTS BY RESISTANCE CORPS WAS PART OF THIS PROBLEM. SHAH ASKED WHETHER COMMUNITY MEMBERS SHOULD NOT HAVE RIGHT TO MAKE ARRESTS. BUTLER REPLIED CITIZEN ARREST CONCEPT WELL KNOWN IN ANGLO-SAXON LAW, TOO, BUT WHEN 12 ARMY TRUCKLOADS OF "CITIZENS" SHOWED UP WITH CLUBS AND WEAPONS, THIS WAS STRETCHING CREDIBILITY OF IDEA A BIT FAR. BUTLER CONTINUED THAT I BEATINGS AND OTHER QUASI-VIOLENT INTIMIDATION GO ON MUCH LONGER, THEN DIALOG BETWEEN IRAN AND ICJ WOULD BE ENDANGERED AND ICJ MIGHT BE FORCED TO RESORT OTHER MEASURES. THERE FOLLOWED DISCUSSION OF PROBLEMS ATTNDANT TO SITUATION WHERE EXTRA-LEGAL FORCES
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TAKE ADMINISTRATION OF JUSTICE INTO THEIR OWN HANDS, AND BUTLER HAD IMPRESSION HE GOT SHAH TO RELAIIZE IMPORTANCE OF PROBLEM. SHAH FINALLY MADE STATEMENT THAT LAW MUST BE EXERCISED EQUALLY, OFTEN RAISING, PERHAPS RHETORICALLY, QUESTION WHY GOI COULDN'T DO THIS KIND OF THING IF DISSIDENTS AND RELIGIOUS GROUPS DID. BUTLER WENT OVER DIFFERENCES. SHAH ALSO EXPRESSED HIS CONCERN FOR NATIONAL SECURITY, NOTING HE WAS DETERMINED THAT WHAT HAPPENED IN AFGHANISTAN WOULD NOT HAPPEN IN IRAN. (AMBASSADOR SULLIVAN NOTED SHAH WOULD PROBABLY BE MORE CONCERNED ABOUT THIS TYPE OF SUBVERSION THAN HE HAD BEEN AS RESULT OF AFGHANISTAN EVENTS AND ADVISED ICJ TO TAKE THIS INTO

ACCOUNT WHEN DEALING WITH SHAH.)

10. ON RELIGIOUS ISSUE, BUTLER SAID HE FOUND SHAH UP IN ARMS. SHAH WENT ON TAT LONG, EMOTIONAL LENGTH ON FACT HE COULD NOT EVEN HAVE HIMSELF PHOTOGRAPHED PLAYING WITH HIS DOGS (AN UNCLEAN ANIMAL TO GOOD MOSLEMS), GIRLS HAVE BEEN BEATEN UP FOR APPEARING IN SWIMMING POOLS IN BIKINIS, ETC. HE FOUND SHAH VERY UNCOMPROMISING. SHAH OFFERED OPINION THAT RELIGIOUS OPPOSITION REPRESENTS LESS THAN THE MAJORITY OF MOSLEMS AND SPOKE FEELINGLY OF "FANATICS OF RIGHT AND LEFT" WHO OFTEN WORK TOGETHER, SOMETIMES STARTING AS ONE AND BECOMING THE OTHER.

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11. AT CLOSE OF MEETING SHAH COMPLIMENTED BUTLER ON HIS PRESENTATION AND URGED ICJ TO KEEP IN TOUCH THROUGH IRANIAN AMBASSADORS IN NEW YORK AND WASHINGTON.

12. WHILE IN SHIRAZ, BUTLER EXCHANGED VIEWS AND INFORMATION WITH BRITISH JOURNALISTS LIZ THURGOOD (THE GUARDIAN) AND ANDREW WHITLEY (BBC). ALTHOUGH HE ENJOYED DISCUSSIONS, BUTLER FOUND PAIR VERY HOSTILE TO GOI AND NOTED THEY DEPRECIATED U.S. EMBASSY ROLE IN HUMAN RIGHTS AND DID NOT APPEAR TO UNDERSTAND "REAL WORLD" DYNAMICS OF U.S. ADMINISTRATION'S HUMAN RIGHTS POLICY, WHICH HE THEN ATTEMPTED TO EXPLAIN TO THEM. (EMBOFFS AWARE OF THURGOOD BIAS, BUT FEEL BUTLER MAY BE JUDGING WHITLEY ON BASIS OF STRONG THURGOOD VIEWS, SINCE HE SAW THEM TOGETHER.) UPON RETURN TO TEHRAN, BUTLER MET WITH BILL BRANIGIN (WASHINGTON POST) MORNING MAY 3 AND WITH OTHERS NOTED PARA 1.

(FYI: BRANIGIN AND THRUGOOD LEAVE IRAN PERMANENTLY FOR NEW ASSIGNMENTS NEXT WEEK)

13. JUST BEFORE LEAVING, BUTLER TELEPHONE EMBOFF ON TWO ADMINISTRATIVE MATTERS AND REPEATED FOR EMBOFF (AND PERHAPS FOR BENEFIT OF "UNSCHEDULED" IRANIAN LISTENERS). SOME POINTS MADE IN TALKS WITH AMB. AND EMBOFFS: ICJ IS CONFIDENTIAL

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SERIOUSLY CONCERNED WITH EXTRA-LEGAL ACTIVITIES AGAINST DISSIDENTS AND THIS COULD JEOPARDIZE ICJ-IRAN DIALOG TO POINT ICJ WOULD FEEL CONSTRAINED TO GO INTO PUBLIC CRITICISM "IF THE BEATINGS DON'T STOP, AND SOON." BUTLER OFFERED VIEW THAT DISSIDENT EX-NATIONAL FRONT LAWYERS SEEMED TO BE INTERESTED IN PRINCIPLES OF ICJ AND "WERE NOT POLITICAL", APPEARING TO POSE NO THREAT TO MONARCHY. BUTLER NOTED HE WAS CONSIDERED CHARTERING IRANIAN LAWYER'S ASSOCIATION AS ICJ CHAPTER, DISENFRANCHISING IN THE PROCESS PRESENT QUIESCNET ICJ CHAPTER HERE. WITH RESPECT TO THIS TYPE OF DISSIDENT, BUTLER TOLD EMBOFF IT WAS EMBASSY'S "AFFIRMATIVE DUTY TO HELP THESE PEOPLE OUT". EMBOFF NOTED WE WOULD REMAIN IN CONTACT, AND BUTLER SAID MORE THAN THAT WAS NEEDED. EMBOFF NOTED HIS VIEW.

14. EMBASSY COMMENT: WE HAD DISCUSSED PRIVATELY WITH BUTLER FACT THAT OUR LOW PROFILE PRECLUDES DISCUSSION WITH PRESS AND OTHERS OF WHAT EMB IF DOING PRIVATELY. WE HAVE NO SERIOUS PROBLEM WITH PRESS AND OTHERS PRODDING US FOR APPARENT LACK OF PUBLIC ROLE, AND UNDERSTAND BUTLER MAY HAVE BEEN SPEAKING FOR WIDER AUDIENCE IN THIS CASE. HOWEVER, EMBOFFS WARNED BUTLER FOR THE RECORD THAT WE A(AND HE) COULD NOT BE SURE LAWYERS' GROUP WOULD NOT EXPAND INTO POLITICAL ACTIVITY WIDER THAN PRESIDENT DESIRE FOR LEGAL REMEDIES AND ICJ MIGHT THEN BE COMPROMISED. DEPARTMENT MAY WISH TO MAKE SURE BUTLER HAS FULL UNDERSTANDING OF HOW WE ARE PLAYING OFFICIAL U.S. CARDS HERE AND WHY WE WOULD BE RELUCTANT TO MOVE FURTHER OUT AHEAD PUBLICLY. ICJ'S OWN SUCCESSES SHOW VALUE OF DISCREET CONTACT. AS NEA/IRN IS AWARE, UNION OF NATIONAL FRONT LAWYERS ARE VERY POLITICAL AND INCLUDE AT LEAST SOME OF KEY LEADERSHIP OF GROUP. WHILE WE WOULD HAVE NO REAL OBJECTION TO ICJ CHARTERING THIS GROUP (THOUGH AS BUTLER

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HIMSELF POINTED OUT, THIS WOULD INVOLVE DISENFRANCHISING MORIBUND ICJ CHAPTER HERE HEADED BY ELDERLY LAWYER NAMED

KAZEMI) WE FEEL HE SHOULD WAIT UNTIL NEW GROUP APPLIES
AND (PRESUMABLY) IS OFFICIALLY REGISTERED WITH GOI BEFORE
DOING SO. SHOULD ICJ FAIL TO DO THIS, IT WOULD LEAVE
ITSELF UPEN TO CHARGE IT WAS SUPPORTING "ANTI-STATE"
BEHAVIOR AND PROBABLY WORK ITSELF BACK INTO POSITION
SIMILAR TO AMNESTY INTERNATIONAL, FROM WHICH IT WOULD BE
MUCH LESS USEFUL TO ITSELF AND TO USE.

15. BUTLER ALSO TOLD EMBASSY PRIVATELY HE HAD AFFIDAVIT
FROM LAWYER LAHIJI REGARDING BEATING HE SUFFERED (REF C).
BUTLER PLANNING TO STIMULATE SOME INTEREST IN THIS WITHIN
AMERICAN AND BRITISH BAR ASSOCIATIONS AND ELSEWHERE AS MEANS OF
KEEPING PRESSURE ON GOI AND SHAH.
SULLIVAN

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